REMARKS

This is a full and timely response to the outstanding final Office Action mailed August 16, 2007. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. **Claim Rejections - 35 U.S.C. § 112, First Paragraph**

Claims 4, 5, 7-18, and 27 have been rejected under 35 U.S.C. § 112, second paragraph for allegedly claiming non-enabled subject matter.

In the final Office Action, the Examiner argues that Applicant does not enable the limitation: "image meta-data associated with the digital image data created by applying a predefined image analysis algorithm to the digital image data to identify within the image a recognized location at which the image was captured". The basis for the Examiner's position is a disclosure on page 11 of Applicant's specification that discusses meta-data that is not extracted by an image analysis algorithm. *See Applicant's specification*, page 11, lines 7-14. Applicant notes, however, that immediately prior to that portion of Applicant's disclosure, Applicant states:

> . . . one of ordinary skill in the art will understand that each predefined image analysis algorithm 216 may be configured to extract any type of information from image 110. For example, a predefined image analysis algorithm 216 may be configured to extract key frame information from video images. Another predefined image analysis algorithm 216 may be configured to employ face recognition vectors to identify the presence of a particular person in image 110. *Another predefined image analysis algorithm 216 may be configured to identify particular scene content attributes* in image 110, such as, for example, texture, color, and specific

objects. As additional examples, _predefined image analysis algorithms 216 may be configured to identify location recognition information_ and voice recognition vectors (video images).

Applicant's specification, page 10, line 20 to page 11, line 7 (emphasis added). From the above excerpt, it can be appreciated that Applicant explicitly describes _image analysis algorithms_ that analyze image data to identify particular _scene content_ and _recognize locations from that scene content_. Therefore, contrary to that alleged by the Examiner, Applicant's discussion of identifying locations is not limited to information manually input by a user.

Applicant further notes that, given that a location is recognized from analysis of content within the image, it logically follows that the algorithm identifies the recognized location "at which the image was captured".

In view of the above, it is clear that the claims 4, 5, 7-18, and 27 comply with 35 U.S.C. § 112, first paragraph. Accordingly, Applicant requests that the rejections be withdrawn.

II.   **Claim Rejections - 35 U.S.C. § 102(b)**

Claims 4 and 5 have been rejected under 35 U.S.C. § 102(b) as being anticipated by _Wang, et al._ ("Wang," U.S. Pat. No. 6,035,055). Applicant respectfully traverses.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." _W. L. Gore & Associates, Inc. v. Garlock, Inc._, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

In rejecting claim 4, the Examiner states that the explicit limitation "applying a predefined image analysis algorithm to the digital image data to identify within the image a recognized location at which the image was captured" was "not given patentable weight" due to not having support in the specification. Therefore, the Examiner ignored that limitation in examining claim 4.

As noted above, the Examiner is incorrect as to the alleged lack of enablement because explicit support for location recognition limitation is present on page 11 of Applicant's specification. Given that fact, the Examiner has failed to address each and every limitation of claim 4 as is required under 35 U.S.C. § 102. Applicant therefore submits that the rejection must be withdrawn.

As a further matter, Applicant notes that the Examiner's failure to identify disclosure of "applying a predefined image analysis algorithm to the digital image data to identify within the image a recognized location at which the image was captured" within the Wang reference constitutes an admission that Wang does not in fact teach or suggest such location recognition.

III.   **Claim Rejections - 35 U.S.C. § 103(a)**

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead

that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.

2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP)

section 2143 discusses the requirements of a *prima facie* case for obviousness. That

section provides as follows:

> To establish a *prima facie* case of obviousness, three basic criteria
> must be met. First, there must be some suggestion or motivation, either
> in the references themselves or in the knowledge generally available to
> one of ordinary skill in the art, to modify the reference or to combine
> reference teachings. Second, there must be a reasonable expectation of
> success. Finally, the prior art reference (or references when combined)
> must teach or suggest all the claim limitations. The teaching or
> suggestion to make the claimed combination and the reasonable
> expectation of success must both be found in the prior art, not in
> applicant's disclosure.

In the present case, the prior art at least does not teach or suggest all of the claim

limitations.

A.   Rejection of Claims 4, 7-15, and 27

Claims 4, 7-15, and 27 have been rejected under 35 U.S.C. § 103(a) as being

unpatentable over *Fuller, et al.* ("Fuller," U.S. Pat. No. 6,877,134) in view of *Wang*.

Applicant respectfully traverses this rejection.

Regarding independent claim 4, Wang does not disclose "applying a predefined

image analysis algorithm to the digital image data to identify within the image a

recognized location at which the image was captured" for reasons described above.

Fuller is similarly deficient in disclosing such location recognition and the Examiner identifies no such disclosure. It therefore follows that the Fuller/Wang combination does not teach or suggest all of the claim limitations of claim 4.

Regarding independent claim 7, neither Fuller nor Wang disclose "applying at least one predefined image analysis algorithm to the digital representation of the image to identify within the image a recognized location at which the image was captured" for reasons described above.

Regarding independent claim 13, neither Fuller nor Wang disclose "applying at least one predefined image analysis algorithm to the digital representation of the image to identify within the image a recognized location at which the image was captured" for reasons described above.

In view of the foregoing, it is clear that Fuller and Wang do not teach or suggest each and every limitation of independent claims 4, 7, or 13. Therefore, those claims, and their dependents, are allowable over the Fuller/Wang combination. Applicant requests that the rejections be withdrawn.

B. Rejection of Claims 16-18

Claims 16-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fuller* in view of *Wang* and further in view of *Li, et al.* ("Li," U.S. Pat. No. 5,734,893). Applicant respectfully traverses this rejection.
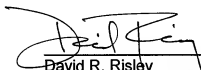
Regarding independent claim 16, neither Fuller nor Wang disclose "searching one or more image files for the image meta-data specified in the search query, the image meta-data having been generated by applying a predefined image analysis algorithm to

a digital representation of an image to identify within the image a recognized location at which the image was captured" for reasons described above. Given that Li does not provide that missing disclosure, it follows that the applied references fail to teach or suggest all the limitations of claim 16. Applicant therefore requests that the rejections to claim 16-18 be withdrawn.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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